REMARKS

In view of the following remarks, the Examiner is requested to withdraw the rejections and allow Claims 1-14 and 45-52, as well as newly added Claims 53-54, the only claims pending and currently under examination in this application.

Claims 1 and 8 have been amended. In particular, Claims 1 and 8 have been amended to specify that each of said vessels is assigned a unique format identifier as supported by the description of providing multiple vessels to the central fabrication facility in the specification at p. 10, lines 18-22 and in Figure 4. Furthermore, Claims 1 and 8 have been amended to clarify that the map of the identity of the vessels is made up of the unique format identifier assigned to each vessel in the plurality. Support for this amendment is readily found in the specification at page 10, lines 10-17, page 11, lines 5-9 and Figure 4. Newly added Claim 53 finds support at page 17, lines 23 ff. Newly added Claims 54 specifies that the identity map is made up of the individual identifier that is not composition information, as supported by the specification at p. 18 lines 5-7.

Claims 47, 48, 51, and 52 have been amended to correct minor editorial problems. Claims 47 and 51 have been rewritten to provide further clarification and particularly point out and distinctly claim the subject matter of the invention.

The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as an acquiescence to any objection or rejection of any claim. As the above amendments enter no new matter to the application, their entry by the Examiner is respectfully requested.

Rejection under 35 U.S.C. § 103

In the Office Action, Claims 1-14 and Claims 45-52 continue to be rejected under 35 U.S.C. § 103(a) as being obvious over Hunkapiller in view of Zeleny, Brown, Anderson, Shakib and Balaban.

According to MPEP § 2142:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The rejections have been maintained because the Examiner continues to assert that the word "identifier" in Claims 1 and 8 is broad enough to encompass information that could include the identity of the contents of the vessel. Following entry of the above amendments, the claims clearly specify that each member of a plurality of source vessels is assigned a unique format identifier and that a map of the identity of the vessels is the collection of unique format identifiers assigned to each vessel in the plurality. The detailed description further clarifies that format identifier does not refer to the specific biopolymer sequence of the array spot but of the format identifier assigned to the original source vessels. Moreover, the format identifier uniquely identifies the original source vessel relative to other vessels in the original plurality, for example by tray number, column number, and row number. "...the well in column D, row 3 of Tray 2 has an identifier 2D3" (p.10, lines 21-22). The current invention also discloses a map of the identity of the vessels, which is made up of the unique format identifier assigned to each vessel in the plurality. The map of the identity vessels is a collection of unique format identifiers that correspond each of the original source vessels' size and arrangement with the fabricated array.

In order to establish a *prima facie* case of obviousness, the combined teachings of the cited references must teach or suggest all of the limitations of the claimed invention. For the reasons set forth below, there is no teaching or suggestion in the combination of cited references, to assign each member of a plurality of source vessels a unique format identifier and saving in a memory a map of the unique format identifiers assigned to each original source vessel.

In making this rejection, the Examiner asserts the following: (1) Hunkapiller teaches a method of creating arrays with addressable locations where multiple

biopolymer samples can be fixed or mounted in fixed locations (col.18, lines 11-21); (2) Zeleny describes an identifier corresponding to each experiment imprinted on the biochip (col.2, lines 13-14); (3) Brown describes mass fabrication of microarrays and shipment of DNA reagents via microarrays to researchers (col.2, lines 20-25 and col. 14, lines 36-42); (4) Balaban teaches that portable storage media may be used to carry information between computers (col.6, lines 16-18); (5) Anderson teaches the shipment of arrays from a synthesizer and the monitoring of the synthesizer from a remote location (col.2, lines 57-62); and (6) Shakib teaches the transfer of data or data sets from a remote station to another remote station and the ability to generate unique identifiers to data through a network, such as the internet (col.5, lines 28-32).

As demonstrated below, the combined teaching of the cited references provides no teaching or suggestion of the elements of assigning each member of a plurality of source vessels a unique format identifier and saving in a memory a map of the unique format identifiers assigned to each original source vessel.

In reading the Office Action, Zeleny is the reference relied upon by the Examiner to provide the elements of assigning a unique identifier to each member of a plurality of individual vessels and saving in a memory a map of the identity of the vessels made up of a collection of unique identifiers. With respect to Zeleny, the Examiner asserts that Figure 1 shows multiple wells of an array that are arranged in rows and columns and numerical identifiers in which some of the digits identify experimental parameters, source of the array, and the array itself. The Examiner further asserts that Zeleny describes a file opened on a computer system where the operator may enter various parameters of the experimental array including a map of the reagents deposited in the array, which represents a map of the individual identity of substances (p.4, 2nd paragraph).

However, none of these identifications is a format identifier, in that it does not **physically** identify the **original** source vessel relative to other vessels in the original plurality, for example by tray number, column number, and row number. The applicant's vessel identifier mark is distinguishable from Zeleny's "experiment

identifier" (col.2, lines 13-14) because the vessel identifier is the unique format identifier assigned to the original vessel prior to fabrication of the array. The claimed identity map is the collection of unique format identifiers assigned to each vessel in the plurality, which allows the customer to easily correlate the plurality of individual biopolymer source vessels with the manufactured array. The current invention allows one to provide multiple source vessels (eg. different 96-well plates) to an array fabricator, deposit biopolymers from each of the source vessels onto a single substrate, and still be able to know the specific physical vessel source for each feature of the manufactured array. This is not possible with Zeleny's teaching.

As such, Zeleny, in combination with the other cited references, fails to disclose the elements of assigning each member of a plurality of source vessels a unique format identifier and saving in a memory a map of the unique format identifiers assigned to each original source vessel.

Because the cited combination of references fails to teach the elements of the claimed invention in which each member of a plurality of source vessels is assigned a unique format identifier and saving in a memory a map of the unique format identifiers assigned to each original source vessel, it is respectfully submitted that Claims 1-14 and Claims 45-52 are not obvious under 35 U.S.C. § 103(a) over Hunkapiller in view of Zeleny, Brown, Anderson, Shakib and Balaban and that this rejection may therefore be withdrawn.

CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

Date: 4.11.05

By: _____
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